



March 25, 2025

Via ECF

Honorable Robert W. Lehrburger
Magistrate Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Avalon Holdings Corp. v. Gentile, No. 18-cv-7291 (DLC) (RJL), *New Concept Energy Inc. v. Gentile*, No. 18-cv-8896 (DLC) (RJL)

Dear Judge Lehrburger:

As you are aware, Ford O'Brien Landy LLP (the Firm) is a non-party recipient of a subpoena served by Plaintiffs in this action. In addition to the subpoena being served on the Firm, Plaintiffs have also sought to informally depose non-parties Adam Ford and Matthew Ford (the undersigned) of the Firm, in their individual capacity. Pursuant to these efforts, Your Honor, has ordered both Adam Ford and me to appear at an April 3, 2025 in person discovery hearing.

As we understand the purpose of the Discovery Hearing is to address the legal arguments raised in our responses and objections to the subpoena as well as our most recent letter to the Court, I write to request permission to attend the Discovery Hearing telephonically as I reside full-time in Texas where I primarily practice, I am a non-party to this action, and I have never been served (formally or informally) by the Plaintiffs. Adam Ford will attend the Discovery Hearing in person and stands prepared to argue the points raised in our objections to the non-party discovery requests served on the Firm and the informal request for depositions.

Dated: March 25, 2025

Respectfully submitted,

FORD O'BRIEN LANDY LLP

By: /s/ Matthew A. Ford
Matthew A. Ford
3700 Ranch Road 620 South
Austin, TX 78738
mford@fordobrien.com

cc: all counsel of record (via ecf)